

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Fred E. Stanke, et al.

Serial No.: 09/533,613

Filed: March 22, 2000

Title: Apparatus For Imaging Metrology

Group Art Unit: 2877

Examiner: Pham, Hoa Q.

#10/a  
C. Pham  
7/13/02

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**RESPONSE TO RESTRICTION REQUIREMENT**

Commissioner for Patents  
Washington, DC 20231

Sir:

In response to Examiner's Restriction Requirement mailed June 14, 2002 (Paper No. 9), Applicants respectfully request reconsideration of the above-referenced application in view of the following amendments and remarks.

Please amend the above-referenced application as follows:

**In the Claims**

Please cancel claims 2-4, 6-9, 5, and 10 without prejudice to their presentation in one or more divisional applications.

**REMARKS**

The Examiner has issued a restriction requirement alleging that the application claims three separate inventions. Specifically, the Examiner identifies the three inventions as being: Group I consisting of claims 1 and 11-21, drawn to a surface metrology device comprising a metrology unit and a first image camera and a second image camera, Group II consisting of claims 2-4 and 6-9, drawn to a semiconductor processing device comprising a wafer process

station and a metrology station comprises an ultraviolet light source for illuminating a measurement region of a surface and at least one spectrograph optically coupled to the measurement region of the surface; and Group III consisting of claims 5 and 10, drawn to a surface reflectometer comprising a light source, an objective optic adapted to translate relative to a wafer surface and at least one light detector.

Pursuant to 37 C.F.R. §1.142, Applicant elects Group I claims 1 and 11-21 without traverse. Claims 2-4, 6-9, 5, and 10 are withdrawn from further consideration by the Examiner under 37 C.F.R. 1.142(b), as being drawn to a non-elected invention. Applicant, however, reserves the right pursuant to 37 C.F.R. §1.141 to pursue claims to the non-elected invention in this application in the event a generic claim is allowed.

Applicant also reserves the right pursuant to 35 U.S.C. §121 to file one or more divisional applications directed to the non-elected invention during the pendency of the present application.

#### CONCLUSION

Applicant earnestly believes that he is entitled to a letters patent, and respectfully solicits Examiner to expedite prosecution of this patent application to issuance. Should Examiner have any questions, the Examiner is encouraged to telephone the undersigned.

Respectfully submitted,

WILSON SONSINI GOODRICH & ROSATI

Date: \_\_\_\_\_

7/15/02

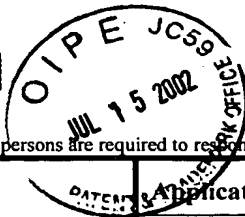
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Gp/2877

PTO/SB/21 (6-99)

Approved for use through 09/30/2000. OMB 0651-0031

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<b>TRANSMITTAL FORM</b> (to be used for all correspondence after initial filing)		Application Number	09/533,613
		Filing Date	March 22, 2000
		First Named Inventor	Stanke
		Group/Art Unit	2877
		Examiner Name	Pham
Total Number of Pages in This Submission	3	Attorney Docket Number	15867-745

ENCLOSURES (check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Response To Restriction Requirement <input type="checkbox"/> After Final <input type="checkbox"/> Version with Markings Showing Changes <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition Routing Slip (PTO/SB/69) and Accompanying Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Small Entity Statement <input type="checkbox"/> Request for Refund	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Additional Enclosure(s) (please identify below):
Remarks		<b>RECEIVED</b> JUL 22 2002 TECHNOLOGY CENTER 2800

SIGNATURE OF APPLICANT, ATTORNEY OR AGENT			
Firm or Individual name	Kenta Suzue, Reg. No. 45,145, WILSON SONSINI GOODRICH & ROSATI		
Signature			
Date	July 15, 2002	Customer Number:	021971

CERTIFICATE OF EXPRESS MAILING			
I hereby certify that this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. §1.10 on the date indicated below and addressed to: Commissioner for Patents, Washington, D.C. 20231, on this date: July 15, 2002			
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